REMARKS

This Response is submitted in reply to the Non-Final Office Action dated August 13, 2009. Claims 1 to 4, 8, 10, 11, 13 to 15, 17, 19, 21, 22, 24, and 26 to 29 have been amended for clarity. Claims 16 and 23 stand cancelled. Please charge deposit account number 02-1818 for any fees due in connection with this Response.

During a personal interview between the Examiner and Applicant's representatives on May 19, 2009, Applicant's representatives described the differences between U.S. Patent No. 6,019,283 to Lucero ("Lucero") and the then-pending claims. In response to those differences, the Examiner indicated that a distinction describing how, unlike Lucero, the EFT controller of the claims receives approval from a banking network without the approval being communicated to the game processor would help in overcoming the rejection based on Lucero. Applicant amended the claims to reflect the substance of the interview in a Response filed on June 4, 2009.

In the instant Office Action, the Examiner again rejected certain claims as being anticipated by Lucero. Specifically, the Examiner rejected claims 14, 15, and 26 to 29 under 35 U.S.C. §102(b) as being anticipated by Lucero. Applicant again disagrees.

Claim 14, as presented in Applicant's Response dated June 4, 2009, was directed to a gaming device including, among other elements, a first processor configured to operate to (a) receive an electronic fund transfer request from the player, the request including an account number and a requested amount of money, and (b) send the request to a remote fund repository that generates a response to the request, and a second processor supported by the housing and configured to cause the ticket printer to print a ticket with the requested amount <u>if the response is an approval</u>, the second processor configured to operate <u>without said response being communicated from the first processor to the second processor</u> (emphasis added). Independent claim 26 (and dependent claims 15 and 27 to 29, which depend directly from claims 14 or 26), as presented in the Response dated June 4, 2009, included similar elements with respect to the response from the remote fund repository not being communicated from a first processor to a second processor.

In the Examiner's current rejection under 35 U.S.C. §103(a), discussed in detail below, the Examiner admitted that "Lucero fails to disclose receiving an approval for the electronic fund transfer request from a remote fund repository that communicates with the EFT controller via a banking network and without said approval being communicated from the EFT controller to the game processor." (pp. 4-5).

In an effort to advance prosecution of the instant application, Applicant has further amended independent claim 14 to further clarify that approval for an electronic fund transfer request is received by the first processor and not communicated between the first processor and the second processor. Specifically, amended independent claim 14 is directed to a gaming device including, among other elements, a first processor configured to operate to (a) receive an electronic fund transfer request from the player, the request including at least an account number and a requested amount of money, (b) send the request to a remote fund repository that generates a response to the request, said response to the request indicative of whether the remote fund repository approved the request, and (c) receive the response to the request, and a second processor supported by the housing and configured to cause the ticket printer to print a ticket with the requested amount if the response to the request is indicative that the remote fund repository approved the request, the second processor configured to operate without direct communication between the first processor and the second processor and without said response to the request being communicated from the first processor to the second processor.

Based on the Examiner's admitted deficiencies of Lucero, Applicant submits that Lucero does not disclose each and every element of amended independent claim 14. For example, Lucero does not disclose, either explicitly or inherently, that a first processor is configured to send the request to a remote fund repository that generates a response to the request, said response to the request indicative of whether the remote fund repository approved the request and receive the response to the request, and a second processor configured to cause the ticket printer to print a ticket without the response to the request being communicated from the first processor to the second processor. For at least this reason, independent claim 14 and dependent claim 15,

which depends from claim 14, are both patentably distinguished over Lucero and are in condition for allowance.

Amended independent claim 26 (and dependent claims 27 to 29) includes certain similar elements to amended independent claim 14. For reasons similar to those given above with respect to claim 14, Applicant submits that claims 26 to 29 are patentably distinguished over Lucero and are in condition for allowance.

The Examiner rejected claims 1 to 13, 17 to 22, 24, and 25 under 35 U.S.C. §103(a) as being unpatentable over Lucero in view of U.S. Patent No. 6,585,598 to Nguyen et al. ("Nguyen"). Applicant disagrees with this rejection.

Lucero discloses gaming machines and systems that "make it possible for a player to participate in games of chance at casinos and other gaming establishments by using a general purpose charge card rather than a house card." (col. 2, ll. 15-19). Lucero discloses a "card reader [that] reads selected information from the charge card, transmits it over a data link for validation, e.g., to the card issuer and, upon receiving back a validation over the data link, requests a personal identification number (PIN) from the player." (col. 2, ll. 33-37).

Nguyen discloses a "gaming system that uses typically a wireless communication device." (Abstract). In the Background of the Invention section, Nguyen states that "[w]hile a charge card might be used to obtain credit for playing [] machines, this generally requires the presence of a charge card reader at each machine, which is an undesirable expense. Accordingly, it would be desirable to provide a cashless and cardless system for use by customers." (col. 1, ll. 23-27). Nguyen further states that a cardless and cashless system "is an advantage because there currently are hundreds of thousands [sic – of] slot machines without card readers." Upon determining if a transaction is valid, Nguyen discloses that a bank "wires the transaction amount to a particular branch of the casino if appropriate." (col. 5, ll. 26-27). The particular slot machine is thereafter credited with the transferred money. (col. 5, ll. 29-30).

Amended independent claim 1 is directed to a gaming device including, among other elements, a game processor configured to operate to receive a wager from a player to initiate a wagering game, an EFT controller configured to operate to process

an electronic fund request by the player, the EFT controller configured to operate without direct communication between the game processor and the EFT controller, a card reader configured to operate with the EFT controller, a payment device configured to operate with the game processor to provide a monetary amount to a player after a card is inserted into the card reader and after receiving an approval for the electronic fund transfer request from a remote fund repository that communicates with the EFT controller via a banking network and without said approval being communicated from the EFT controller to the game processor, and a housing that supports the EFT controller, the game processor, the card reader, and the payment device.

The Examiner stated that "Lucero fails to disclose receiving an approval for the electronic fund transfer request from a remote fund repository that communicates with the EFT controller via a banking network and without said approval being communicated from the EFT controller to the game processor." (pp. 4-5). The Examiner relied on Nguyen to remedy this deficiency of Lucero with respect to claim 1.

Applicant submits that Nguyen teaches away from the modification suggested by the Examiner, and that the rejection based on Lucero in view of Nguyen is therefore improper. As noted above, Nguyen is directed to solving the problem of requiring a player to carry cash and/or cards (such as credit cards or player tracking cards) while wagering on plays of the game. Nguyen notes several negative aspects of such systems, and presents a system for remedying those negative aspects. On the other hand, Lucero is directed to a gaming device including a card reader 26. That is, Lucero is directed to a system that <u>requires</u> a card reader, as the identified advantageous features of Lucero lie in the ability of a player to use any kind of a card (such as a credit card) to wager on plays of a game. Claim 1 of the instant application expressly includes a card reader. Applicant therefore submits that the Examiner did not take into account that the both the disclosure of Lucero and the instant application teach away from the combination with Nguyen relied on by the Examiner. Moreover, the modification suggested by the Office Action (i.e., combining Lucero, which is directed to a gaming device including a card reader for facilitating fund transfers, with Nguyen) destroys the intended purpose of Nguyen, which is to provide a cardless system. For these reasons, Applicant submits that a person of ordinary skill in the art would not have combined

Lucero with Nguyen as suggested by the Examiner. Therefore, the combination of Lucero and Nguyen is improper, and the rejections based on that combination are overcome.

Assuming, *arguendo*, that the combination of Lucero and Nguyen is not improper, Applicant submits that Nguyen does not remedy the deficiencies of Lucero admitted by the Examiner. The Examiner stated that "Nguyen et al. teaches a cashless gaming system wherein a player using a wireless device to [sic] requests funds and receives a response from remote fund repository, without approval being communicated from the EFT controller to the game processor." (p. 5). First, Nguyen does not disclose a gaming device including a game processor, an EFT controller, and a housing that supports the EFT controller and the game processor. Rather, the disclosure of Nguyen is clear that a financial institution communicates with a <u>particular branch of the casino</u>, and that branch of the casino <u>enables a particular slot machine</u> for the patron's use. (col. 5, ll. 25-29) (emphasis added). That is, <u>a separate device</u> in the casino (i.e., apart from the slot machine itself) handles any communication with the financial institution. One of skill in the art would understand that because of the communication with the financial institution occurs with the particular branch of the casino, and separately from the gaming device, Nguyen does <u>not</u> disclose that the <u>gaming device</u> includes a game processor, an EFT controller, and a housing that supports the EFT controller and the game processor, as in claim 1.

Moreover, because Nguyen does not include the game controller and the EFT controller of claim 1, Nguyen <u>cannot</u> disclose the gaming device receiving an approval for the electronic fund transfer request from a remote fund repository that communicates with the EFT controller via a banking network and without said approval being communicated from the EFT controller to the game processor. Rather, the system disclosed in Nguyen includes direct communication between a device in communication with the financial institution and separate from the gaming device (i.e., the "particular branch of the casino") and the processor of the gaming device itself. Thus, in Nguyen, the only element that could arguably read on the EFT controller of claim 1 is the "particular branch of the casino." However, under this reading, Nguyen discloses direct communication between the "particular branch of the casino" and the gaming device's

processor. Nguyen does not remedy the deficiencies of Lucero admitted by the Examiner with respect to claim 1; thus, claim 1 is in condition for allowance.

Claims 2 to 13, which depend directly or indirectly from independent claim 1, are each patentably distinguished over Lucero in view of Nguyen, for the reasons given above with respect to claim 1, and because of the additional features recited in these claims.

Independent claim 17 and dependent claims 18 to 22, 24, and 25, which depend directly or indirectly from claim 17, each include certain similar elements to claim 1. For reasons similar to those given above with respect to claim 1, independent claim 17 and dependent claims 18 to 22, 24, and 25 are patentably distinguished over Lucero in view of Nguyen and are in condition for allowance.

Finally, the Examiner stated that "Applicant's arguments with respect to claims 1-15, 17-22, and 24-29 have been considered but are moot in view of the new ground(s) of rejection." (p. 8). Applicant respectfully states that the Examiner's rejection of claims 14, 15, and 26 to 29 is not premised on new grounds, and thus that Applicant's previous arguments are not moot. Specifically, the Office Action mailed on January 29, 2009, rejected claims 14, 15, and 26 to 29 as being anticipated by Lucero, and the instant Office Action also rejected claims 14, 15, and 26 to 29 as being anticipated by Lucero. Thus, at least with regards to claims 14, 15, and 26 to 29, Applicant reincorporates its previous arguments as to why claims 14, 15, and 26 to 29 are not anticipated by Lucero and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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